

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7-21-14

HICHAM AZKOUR,

Plaintiff,

-v-

LITTLE REST TWELVE,

Defendant.


No. 10-cv-4132 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

The Court is in receipt of (1) a letter from Defendant notifying the Court that, in light of Plaintiff's decision not to testify, Defendant intends to introduce in its case-in-chief thirteen exhibits that it had not previously noticed because it intended to use them only on cross-examination (Doc. No. 268), and (2) the attached letter from Plaintiff arguing that the Court should preclude the newly noticed exhibits. The Court did not require parties to exchange exhibits that they only intended to use for cross-examination. (*See* Doc. No. 223.) Thus, had Plaintiff testified as expected, Defendant would have been permitted to use these exhibits even though it had not previously notified the Court or Plaintiff of its intent to use them. Because Plaintiff just recently announced his intention to not testify, the Court finds that Defendant had good cause to not notice these exhibits earlier and that Plaintiff will not be prejudiced by the late notice. Accordingly, IT IS HEREBY ORDERED THAT Plaintiff's request to preclude the exhibits is DENIED. If these new exhibits cause Plaintiff to alter his decision to not testify, he should inform the Court and Defendant of that change no later than Monday, July 21, 2014 at 9:30 a.m.

SO ORDERED.

Dated: July 20, 2014
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

A copy of this Order has been sent to:

Hicham.azkour@gmail.com

The Hon. Richard J. Sullivan, U.S.D.J.
Thurgood Marshall
United States Courthouse,
Room 905
40 Foley Square
New York, NY 10007

HICHAM AZKOUR
93 Pitt Street,
Apt. No. 3B
New York, NY 10002

Email: hicham.azkour@gmail.com

July 17, 2014

Re: *Azkour v. Little Rest Twelve, Inc.* 10-cv-4132 (RJS)(KNF)

Dear Judge Sullivan:

In its letter dated July 17, 2014, Defendant requests the introduction of new exhibits as evidence because it will not call Plaintiff as a witness at the trial scheduled on July 21, 2014. *See Docket Entry No. 268.* Defendant represents that it will use such exhibits as evidence pursuant to Rule 801(d)(2)(A).

Plaintiff opposes the introduction of this new evidence because (1) the Court set the deadline as to the introduction to any exhibits as July 14, 2014, *see Docket Entry No. 239*; and (2) such evidence is hearsay and does not support Defendant's contention that Plaintiff has been so mentally that he was not able to mitigate his damages by diligently and reasonably searching for employment.

WHEREFORE, Plaintiff respectfully requests that the Court deny Defendant the introduction of such evidence.

Respectfully submitted,

Hicham Azkour, pro se

A handwritten signature in black ink, appearing to be "Hicham Azkour", written in a cursive style. The signature is enclosed within a large, loopy oval shape.